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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 1. Additional Agency Requirements for Adoption of Children With Indian Heritage

35353	CDIB AND LINKAGE TO THE ICWA	35353
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- (a) In working with children who could be subject to the provisions of the ICWA or be eligible for a CDIB and the birth parents of such children, the additional requirements of Subchapter 8 shall be met.

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- (1) Although the child may not be subject to the provisions of the ICWA, he or she may be able to obtain a CDIB.
- (2) Welfare and probation departments responsible for investigation of stepparent adoptions should work directly with the BIA to determine whether a child of Indian heritage comes within the provisions of the ICWA. The California State Department of Social Services does not transmit information to the BIA in stepparent adoption cases.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 10553, Welfare and Institutions Code; Section 8619, Family Code; and 25 USC Sections 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1920, and 1921.

35355	NON-APPLICABILITY OF ICWA	35355
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(a) The requirements of the ICWA shall not apply to:

(1) Adoptions in which a final decree of adoption was issued prior to May 8, 1979.

(2) Children who are members of non-federally recognized Indian tribes.

(A) The agency shall submit the AD 4311 to the department as required in Section 35359.

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(B) The department will contact the appropriate BIA office for a determination as to whether or not the tribe is federally recognized.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 10553, Welfare and Institutions Code; and 25 USC Section 1923.

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE**Article 2 Certification of Degree of Indian Blood (CDIB),
Tribal Membership Eligibility, and/or Tribal Enrollment****35357 BACKGROUND INFORMATION TO DETERMINE THE APPLICABILITY OF THE ICWA AND TO OBTAIN THE CDIB 35357**

(a) The agency shall obtain sufficient information from the parents of a child as follows:

- (1) If an Independent Adoption, as required by Section 35023.
- (2) If an Agency Adoption, as required by Section 35129.3

(b) The agency shall make the following determination for each child:

- (1) Whether the child meets the definition of an Indian child in accordance with 25 USC Section 1903(4), and
- (2) Whether a CDIB can be issued.

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- (A) 25 USC 1903(4) can be found at Section 35000(i)(5)(A).
- (B) The child may need enrollment, or eligibility for enrollment, in his or her tribe in order to obtain the certification.
- (C) Family Code Section 8619 reads as follows:

"The department shall adopt rules and regulations it determines are reasonably necessary to ensure that the birth parent or parents of Indian ancestry, seeking to relinquish a child for adoption, provide sufficient information to the department or to the licensed adoption agency so that a certificate of degree of Indian blood can be obtained from the Bureau of Indian Affairs. The department shall immediately request a certificate of degree of Indian blood from the Bureau of Indian Affairs upon obtaining the information. A copy of all documents pertaining to the degree of Indian blood and tribal enrollment, including a copy of the certificate of degree of Indian blood, shall become a permanent record in the adoption files and shall be housed in a central location and made available to authorized personnel from the Bureau of Indian Affairs when required to determine the adopted person's status as an Indian. This information shall be made available to the adopted person upon reaching the age of majority."

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35357	BACKGROUND INFORMATION TO DETERMINE THE APPLICABILITY OF THE ICWA (Continued)	35357
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code; and 25 U.S.C. 1903(4).

35359	COMPLETING OF THE AD 4311	35359
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- (a) The agency shall complete all requested information on the AD 4311 to the extent that the information is ascertainable from the birth parents, extended family members, and other sources of information.

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- (1) Examples of other sources of information are foster care case records, previous workers and, provided confidentiality is not breached, extended family and/or tribal members.

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- (b) The agency shall complete an AD 4311 when parental rights regarding a child claiming Indian heritage, including unknown tribes, are being involuntarily or voluntarily terminated.

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- (1) In any adoption proceeding where parental rights are being terminated, the child's tribe has a right to be notified if the tribe is federally recognized for purpose of the ICWA (25 U.S.C. Sections 1902-1923).

(A) In an agency adoption:

1. 25 U.S.C. Section 1911(b) requires that, for those Indian children not domiciled or residing on the tribe's reservation, the court must transfer (in the absence of good cause to the contrary or objection by either parent) termination of parental rights' proceedings to the jurisdiction of the child's tribe upon petition of either parent, an Indian custodian, or the tribe. The tribal court is permitted to decline the transfer of the jurisdiction.
2. 25 U.S.C. Section 1911(c) permits both the child's Indian custodian and tribe to intervene in the termination of parental rights proceedings at any point in the proceedings.

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Regulations	ADOPTION OF CHILDREN WITH INDIAN HERITAGE	35359
35359	COMPLETING OF THE AD 4311 (Continued)	35359

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3. 25 U.S.C. Section 1912(a) requires that the party (adoption agency) seeking the involuntary termination of parental rights to the Indian child must notify the parent or Indian custodian and the child's tribe by registered mail, with return receipt requested, of the pending proceedings and of their right to intervene.

(B) In an independent adoption:

1. 25 U.S.C. Section 1911(b) permits the biological parent of the Indian child to petition for the transfer of the proceedings to the tribal court. While this is unlikely to occur in an independent adoption, the parent does have the right under the ICWA and may petition the court for a transfer of jurisdiction.
2. 25 U.S.C. Section 1911(c) and Section 1912(a) do not apply to an independent adoption proceeding unless court action is taken to involuntarily terminate the parental rights of any parent. Upon such action, the adoption becomes an involuntary proceeding per the ICWA and the requirements of Sections 1911(b), 1911(c), and 1912(a) must be followed. Notification to a federally recognized tribe pursuant to the ICWA is unnecessary only when all parents sign a consent to the adoption.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code; and 25 U.S.C. Sections 1911 and 1912.

35361 SUBMISSION OF THE AD 4311 TO THE DEPARTMENT**35361**

- (a) Before accepting a relinquishment or consent, the agency or the adoption service provider shall immediately submit to the department a completed AD 4311 for each child claiming Indian heritage.

- (1) A certified copy of the child's birth certificate shall be attached to the AD 4311.

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- (A) A completed AD 4311 includes the caseworker's name, telephone number, and adoption agency address indicated in the spaces provided on the form.

1. The department's address is:

California Department of Social Services
Adoptions Branch
744 P Street, M.S. 19-67
Sacramento, CA 95814

- (B) Processing by the BIA or tribe may be expedited by attaching copies of the birth certificate of the Indian parent and their Indian ancestors to the AD 4311.

HANDBOOK ENDS HERE

- (2) If the father is the identified Indian parent and is not names on the child's birth certificate, or his paternity has not been otherwise established, a signed and notarized statement of paternity must be attached to the AD 4311.

HANDBOOK BEGINS HERE

- (A) It is not necessary to notify the tribe of the alleged natural father of a child who comes within the provisions of the ICWA when court action is taken to terminate his parental rights if he has not acknowledged paternity or his paternity has not been established.

1. Under the ICWA, the definition of "parent" specifically excludes the A"unwed father where paternity has not been acknowledged or established."

HANDBOOK CONTINUES

35361	SUBMISSION OF THE AD 4311 TO THE DEPARTMENT (Continued)	35361
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HANDBOOK CONTINUES

- (b) When the department receives the AD 4311:
- (1) If it is known that the tribe is federally recognized and there is sufficient information to determine whether the child is subject to the ICWA, the department will:
 - (A) Transmit the AD 4311 and other documents directly to the appropriate tribe, in-state BIA agency office, or out-of-state BIA area office;
 - (B) Transmit a copy of the referral letter to the requesting adoption agency or ASP;
 - (C) Instruct the receiving tribe, in-state BIA agency office, or out-of-state BIA area office to respond directly to the adoption agency or ASP;
 - (D) Retain a copy of the ICWA referral and supporting documents and a copy of the referral letter forwarded to the tribe, in-state BIA agency office, or out-of-state BIA area office;
 - (2) If it is not known whether the tribe is federally recognized, the department will:
 - (A) Contact the BIA for assistance in determining whether the tribe is federally recognized.
 1. If the tribe is federally recognized, the department will proceed as described in Section 35361(b)(1).
 2. If the tribe is not federally recognized, the department will return the AD 4311 to the submitting agency or ASP with information that the ICWA does not apply to the child.
- (c) Upon receipt of the AD 4311, the BIA office will:
- (1) Determine whether the child comes within the provisions of the ICWA;
 - (2) Acquire additional information, if necessary, to make the CDIB determination, and
 - (3) Issue a CDIB, if appropriate.

HANDBOOK CONTINUES

35361	SUBMISSION OF THE AD 4311 TO THE DEPARTMENT (Continued)	35361
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- (d) Upon receipt of the AD 4311 and other documents, the tribe coordinates activities directly with the adoption agency or ASP to:
- (1) Determine whether the child comes within the provisions of the ICWA;
 - (2) Acquire additional information, if necessary, to make the CDIB determination; and
 - (3) Issue a CDIB, if appropriate.
- (e) Adoption agencies and ASPs:
- (1) May communicate directly with the corresponding tribe/agency, as necessary, upon receipt of the department's transmittal letter, confirming the forwarding of the AD 4311 to the corresponding tribe.
 - (A) Adoption agencies and ASPs should not request intervention or assistance from the BIA agency office after the ICWA request has been forwarded to the appropriate tribe or agency.
 - (2) Should notify the department if the agency has not been contacted by the tribe or BIA agency office within 30 days after the date of the transmittal letter to resolve any other major ICWA related issues.
- (f) The agency should work cooperatively with the BIA or tribe to enroll the child in his or her tribe if the tribe requires enrollment to obtain a CDIB.
- (1) The agency should also cooperate with the BIA or tribe to enroll the child so that the child may receive possible tribal benefits currently or in the future.

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- (g) Upon receipt of a CDIB from the BIA or tribe, the agency shall send a copy of the CDIB to the department.

35361	SUBMISSION OF THE AD 4311 TO THE DEPARTMENT	35361
	(Continued)	

(1) For relinquishment adoptions only:

- (A) After receipt of the ICWA determination, the agency shall send to the department the AD 90 and all copies of correspondence sent to or received from the tribe or BIA agency office.

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1. The department will not issue the AD 4333 until it receives all required documentation to determine whether the child is subject to the ICWA.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code; and 25 U.S.C. 1901 et seq.

35363	PROCEDURES FOR CHILDREN WHO MEET THE DEFINITION OF	35363
	AN INDIAN CHILD	

- (a) (Reserved)

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- (a) When it is determined by the BIA or the tribe that the child meets the definition of an Indian child, the agency shall follow the provisions of Sections 35369 through 35383.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code.

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 3 Background Information

35365 BACKGROUND INFORMATION ON A CHILD SUBJECT TO THE ICWA 35365

(a) The agency shall attempt to ascertain the following background information:

- (1) Name, address, date, place of birth, and tribal affiliation of the child and of any parent, grandparent, or great-grandparent with Indian heritage.
- (2) Names and addresses of extended family members.
- (3) Tribal customs regarding child placement practices.
- (4) Addresses where tribal governing organizations may be located.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code.

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

**Article 4 Information to Parents of a Child With
Indian Heritage Regarding Provision of the ICWA**

35367 INFORMATION TO THE PARENTS 35367

- (a) The agency shall inform the parents of a child with Indian heritage that:
- (1) The provisions of the ICWA shall apply if at least one parent is a member of an Indian tribe as defined at Section 35000(i)(7) and the child is an Indian child as defined at Section 35000(i)(5).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1901 et seq.; and Section 8619, Family Code.

35369 PROVISIONS OF THE ICWA 35369

- (a) The agency shall inform the parents of a child subject to the ICWA of the act's provisions which include:
- (1) The requirement for an order of placement preference.

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- (A) 25 U.S.C. 1915, regarding the order of placement preference, states:
- (a) In any adoptive placement of an Indian child under state law, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a member of the child's extended family; (2) other members of the Indian child's tribe; or (3) other Indian families.
- (b) Any child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with:

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- (1) a member of the Indian child's extended family;
 - (2) a foster home licensed, approved, or specified by the Indian child's tribe;
 - (3) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - (4) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- (c) In the case of a placement under subsection (a) or (b) of this section, if the Indian child's tribe shall establish a different order of preference by resolution, the agency or court effecting the placement shall follow such order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in subsection (b) of this section. Where appropriate, the preference of the Indian child or parent shall be considered: Provided, that where a consenting parent evidences a desire for anonymity, the court or agency shall give weight to such desire in applying the preferences.
- (d) The standards to be applied in meeting the preference requirements of this section shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties."
- (B) Anonymity pertains only to disclosure to parties designated in the order of preference. Anonymity does not pertain to the identify of the birth parent.

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- (C) If the parent requests modification of the placement order in an agency adoption, the request shall be brought to the attention of the court for a decision on whether the placement order shall be modified.
- (D) In an independent adoption, the court shall be advised that the parent has been made aware of the order of placement preference and has made the decision to consent to the adoption by the petitioners.

35369	PROVISIONS OF THE ICWA (Continued)	35369
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- (2) The requirement that the relinquishment or consent must be taken before a judge of the Superior Court.

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- (A) Title 25 U.S.C. 1913(a) reads in regard to the voluntary termination of parental rights:

"Title 25 U.S.C. 1913(a): Where any parent or Indian custodian voluntarily consents to a foster care placement or to termination of parental rights, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid."

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- (3) The requirement that the parent may withdraw consent or revoke or rescind relinquishment at any time prior to the entry of the final decree of adoption.

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- (A) Title 25 U.S.C. 1913(c) reads in regard to withdrawal of consent: "Title 25 U.S.C. 1913(c): In any voluntary proceeding for termination of parental rights to, or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent."

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- (4) The requirement that, in the event the parent who gave physical custody of the child to the agency or petitioners and has not otherwise been deprived of legal custody requests to revoke or rescind the relinquishment or withdraw the consent, or refuses to give consent, the following procedures shall be followed:

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(A) In an independent adoption:

1. If the consent has not been signed and the parent wishes return of the child, the parent rather than the agency will request the petitioners to return the child. If the petitioners refuse, the agency shall immediately file a report with the court and recommend the child's return.
2. If the consent has been signed, the agency shall immediately file a report with the court advising the court of the parent's request and recommending that the child be returned to the parent.

(B) In an agency adoption:

1. If the parent's request precedes adoptive placement the agency shall rescind the relinquishment and return the child to the parent.
2. If the parent's request follows an adoptive placement, the agency shall immediately notify the adoptive parents and return the child to the parent within an agreed upon time period, which would ordinarily not exceed three working days.
 - (i) In no case shall the return of the child require more than seven calendar days following the parent's request.

(C) Any other parent whose consent has been taken or whose relinquishment has been filed shall immediately be notified of the request to revoke or rescind the relinquishment or withdraw the consent and shall be notified of any court proceedings resulting from the request.

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- (D) Deprivation of legal custody refers to situations in which the court has ordered the child removed from his or her parent as in a divorce situation or in cases in which the child is made a dependent or ward of the court.

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- (5) The requirement that, in the event that the parent who did not give physical custody of the child to the agency or petitioners, or the parent who has been deprived of legal custody, requests revocation or rescission of the relinquishment or withdrawal of the consent, the following procedures shall be followed:
- (A) In an independent adoption, the agency shall ensure that the petitioners are advised that court proceedings will be necessary to determine whether that parent has a right to physical custody of the child or whether the adoption plan can proceed.
- (B) In an agency adoption, the agency shall initiate court proceedings which will determine whether that parent has a right to physical custody of the child or whether the adoption plan can proceed.
1. The agency shall ensure that any other parent whose consent has been taken or whose relinquishment has been filed is notified of the request to revoke or rescind the relinquishment or withdraw the consent and notified of any court proceedings resulting from the request.
- (6) The requirement that if the agency or petitioners initiate legal proceedings to involuntarily terminate the parent's rights to the Indian child, the tribe shall be notified and may intervene in the proceedings.

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- (A) Title 25 U.S.C. 1912(a) reads in relevant part in regard to involuntary termination of parental rights:

"Title 25 U.S.C. 1912(a): In any involuntary proceeding in a state court, where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental rights to an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. No foster care placement or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary: Provided, that the parent or Indian custodian or the tribe shall, upon request, be granted up to twenty additional days to prepare for such proceeding."

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35369	PROVISIONS OF THE ICWA (Continued)	35369
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- (7) The requirement that the parent will be notified if the adoption petition is withdrawn, dismissed, or denied or the adoption is set aside.

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- (A) Title 25 U.S.C. 1916 reads in relevant part in regard to adoption set asides:

"Title 25 U.S.C. 1916: Notwithstanding State law to the contrary, whenever a final decree of adoption of an Indian child has been vacated or set aside or the adoptive parents voluntarily consent to the termination of their parental rights to the child, a biological parent or prior Indian custodian may petition for return of custody and the court shall grant such petition unless there is a showing in a proceeding subject to the provisions of section 1912 of this title, that such return of custody is not in the best interests of the child."

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- (B) The agency shall inform the parent that he or she must keep his or her name and address current with the agency so that notice can be provided.
- (C) The agency reporting on the petition that is withdrawn, dismissed, or denied, or on the set aside shall provide written notice to the parent.
- (8) The requirement that upon petition of either parent, the Indian custodian or the Indian child's tribe, all court proceedings with regard to the child shall be transferred to the jurisdiction of the tribal court, providing there is no good cause to the contrary, and neither parent objects to the petition and the tribal court does not decline the transfer.

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- (A) Title 25 U.S.C. 1911 reads in relevant part in regard to transfer of court proceedings:

"Title 25 U.S.C. 1911:

- (a) An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, except where such jurisdiction is otherwise vested in the state by existing Federal law. Where an Indian child is a ward of the tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.
- (b) In any State court proceeding for the termination of parental rights to an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe, absent objection by either parent, upon the petition of either parent or the Indian custodian or the Indian child's tribe: Provided, that such transfer shall be subject to declination by the tribal court of such tribe."

HANDBOOK ENDS HERE

- (9) The requirements for release of information concerning the adoption and the adopted child's Indian heritage as follows:
- (A) The adopted child, when he or she reaches age 18, may request and receive information from the court as provided for in 25 U.S.C. 1917.

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1. Title 25 U.S.C. 1917 reads as follows: "Title 25 U.S.C. 1917: Upon application by an Indian individual who has reached the age of eighteen and who was the subject of an adoptive placement, the court which entered the final decree shall inform such individual of the tribal affiliation, if any, of the individual's biological parents and provide such other information as may be necessary to protect any rights flowing from the individual's tribal relationship."

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- (B) That the court which granted the adoption is required by the Act to provide information to the Secretary of the Interior as specified in 25 U.S.C. 1951 and the parent who wishes his or her identity to remain confidential will need to file an affidavit with the court requesting confidentiality.

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1. Title 25 U.S.C. 1951(a) and (b) read as follows: "Title 25 U.S.C. 1951:
 - (a) Any State court entering a final decree or order in any Indian child adoptive placement after November 8, 1978, shall provide the Secretary with a copy of such decree or order together with such other information as may be necessary to show -
 - (1) the name and tribal affiliation of the child;
 - (2) the names and addresses of the biological parents;
 - (3) the names and addresses of the adoptive parents; and
 - (4) the identity of any agency having files or information relating to such adoptive placement.

Where the court records contain an affidavit of the biological parent or parents that their identity remain confidential, the court shall include such affidavit with the other information. The Secretary shall insure that the confidentiality of such information is maintained and such information shall not be subject to the Freedom of Information Act, as amended.

- (b) Upon the request of the adopted Indian child over the age of eighteen, the adoptive or foster parents of an Indian child, or an Indian tribe, the Secretary shall disclose such information as may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. Where the documents relating to such child contain an affidavit from the biological parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe."

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2. The agency shall request the parent to provide a copy of the affidavit for filing in the adoption case record.
- (C) That although the Secretary of the Interior is required by the Act to insure confidentiality, some Indian tribes, if they know of the adoption, may not maintain confidentiality.
- (D) That upon request the department will make available to authorized personnel from the Bureau of Indian Affairs and the adopted child who has reached age 18 information as specified in Family Code Section 8619.

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1. The content of Family Code Section 8619 is found at Section 35357(a)(2)(C).

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8619 and 8621, Family Code. Reference: 25 U.S.C. 1901 et seq.

35371	PROVISIONS FOR SETTING ASIDE THE ADOPTION AND WITHDRAWING CONSENT	35371
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- (a) The agency shall inform the parents of a child subject to the provisions of the ICWA that within five years of the time a decree of adoption is granted, the parent may petition the court to set aside a decree of adoption upon the grounds that the consent or relinquishment was obtained through fraud or duress pursuant to U.S.C. 1913(d) and Family Code Section 9102.

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- (1) Title 25 U.S.C. 1913(d) reads in regard to the set aside of an adoption decree:

"Title 25 U.S.C. 1913(d): After the entry of a final decree of adoption of an Indian child in any State court, the parent may withdraw consent thereto upon the grounds that consent was obtained through fraud or duress and may petition the court to vacate such decree. Upon a finding that such consent was obtained through fraud or duress, the court shall vacate such decree and return the child to the parent. No adoption which has been effective for at least two years may be invalidated under the provisions of this subsection unless otherwise permitted under state law."

HANDBOOK CONTINUES

35371	PROVISIONS FOR SETTING ASIDE THE ADOPTION AND WITHDRAWING CONSENT (Continued)	35371
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HANDBOOK CONTINUES

(2) Family Code Section 9102 reads:

"(a) An action or proceeding of any kind to vacate, set aside, or otherwise nullify an order of adoption on the ground of any defect or irregularity of procedure in the adoption proceeding shall be commenced within three years after entry of the order.

"(b) An action or proceeding of any kind to vacate, set aside, or otherwise nullify an order of adoption on any ground other than a defect or irregularity of procedure shall be commenced within five years after entry of the order."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 9102, Family Code; and 25 U.S.C. 1913(d).

35373	INVALIDATION OF PROCEDURES TO TERMINATE PARENTAL RIGHTS	35373
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(a) The agency shall inform the parent of a child subject to the provisions of the ICWA that the parent may petition the court to invalidate any action that terminated parental rights if termination procedures did not comply with the ICWA.

HANDBOOK BEGINS HERE

(1) Title 25 U.S.C. 1914 reads in regard to the invalidation of termination proceedings:

"Title 25 U.S.C. 1914: Any Indian child who is the subject of any action for foster care placement or termination of parental rights under State law, any parent or Indian custodian from whose custody such child was removed, and the Indian child's tribe may petition any court of competent jurisdiction to invalidate such action upon a showing that such action violated any provision of Sections 1911, 1912, and 1913 of this title."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 9102, Family Code; and 25 U.S.C. 1911, 1912(a), 913(a), 1913(c), 1913(d), 1914, 1915(a), 1916, 1917, and 1951.

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE**Article 5 Freeing the Indian Child for Adoption****35375 VOLUNTARY TERMINATION OF PARENTAL RIGHTS****35375**

- (a) The agency shall meet the requirements of 25 U.S.C. 1913 in accepting the relinquishment of or consent to adoption of an Indian child.

HANDBOOK BEGINS HERE

- (1) Title 25 U.S.C. 1913 reads in relevant part as follows:

"Title 25 U.S.C. 1913:

- (a) Where any parent or Indian custodian voluntarily consents...to termination of parental rights, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted in a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid.
- (b) In any voluntary proceeding for termination of parental rights to, or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1913.

35377	INVOLUNTARY TERMINATION OF PARENTAL RIGHTS	35377
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- (a) The agency shall meet the requirements of 25 U.S.C. 1912 when parental rights to an Indian child are terminated involuntarily.

HANDBOOK BEGINS HERE

- (1) Title 25 U.S.C. 1912 reads in relevant part as follows:

"Title 25 U.S.C. 1912:

- (a) In any involuntary proceeding in a State court, where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental rights to, an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. No foster care placement or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary: Provided, that the parent or Indian custodian or the tribe shall, upon request, be granted up to twenty additional days to prepare for such proceeding.
- (b) In any case in which the court determines indigency, the parent or Indian custodian shall have the right to court-appointed counsel in any removal, placement, or termination proceeding. The court may, in its discretion, appoint counsel for the child upon a finding that such appointment is in the best interest of the child. Where State law makes no provision for appointment of counsel in such proceedings, the court shall promptly notify the Secretary upon appointment of counsel, and the Secretary, upon certification of the presiding judge, shall pay reasonable fees and expenses out of funds which may be appropriated pursuant to Section 13 of this title.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (c) Each party to a foster care placement or termination of parental rights proceeding under State law involving an Indian child shall have the right to examine all reports or other documents filed with the court upon which any decision with respect to such action may be based.
- (d) Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.
- (e) No termination of parental rights may be ordered in such proceeding in the absence of a determination, support by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child."

HANDBOOK ENDS HERE

- (b) The notice required by 25 U.S.C. 1912(a) shall contain the following:
 - (1) The names, dates, and places of birth of the Indian child, his parents or Indian custodian.
 - (2) The maiden name of the child's mother.
 - (3) Tribal affiliation of the child and the parents when known.
 - (4) A copy of the petition, complaint or other document by which the proceeding was initiated.
 - (5) The name of the petitioner and the name and address of the petitioner's attorney.
 - (6) A statement of the right of the biological parents or Indian custodians and the Indian child's tribe to intervene in the proceeding.
 - (7) A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them.

35377	INVOLUNTARY TERMINATION OF PARENTAL RIGHTS (Continued)	35377
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- (8) A statement of the right of the parents or Indian custodians and the Indian child's tribe to have on request, twenty days or such additional time as may be permitted under state law to prepare for the proceedings.
- (9) The location, mailing address, and telephone number of the court.
- (10) A statement of the right of the parents or Indian custodians or the Indian child's tribe to petition the court to transfer the proceedings to the Indian child's tribal court.
- (11) The potential legal consequences of an adjudication on future custodial rights of the parents or Indian custodian.
- (12) A statement that since child custody proceedings are usually conducted on a confidential basis, tribal officials should keep confidential the information contained in the notice concerning the particular proceeding and not reveal it to anyone who does not need the information in order to exercise the tribe's right under the ICWA.

HANDBOOK BEGINS HERE

- (c) Any notification of the proceedings to the Secretary pursuant to Section 35377(b)(1) should be addressed to: Sacramento Area District Office, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

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- (d) If the parent is an unmarried father who has not acknowledged paternity and whose paternity has not been established, such notice shall not be required.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1912 and 1913 and Guidelines to State Courts, Indian Child Custody Proceedings FR Vol. 44, No. 228, Part III, Nov. 26, 1979.

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE**Article 6. Information Transmitted to Applicants in Agency Adoptions****35379 INFORMATION TO APPLICANT PRIOR TO PLACEMENT OF AN INDIAN CHILD FOR ADOPTION 35379**

- (a) Prior to the placement of an Indian child for adoption, the agency shall inform the applicant of the birth parents' right to:
- (1) Rescind the relinquishment and have the child returned at any time prior to the entry of a final decree of adoption by the court.

HANDBOOK BEGINS HERE

- (A) Title 25 U.S.C. 1913(c) reads as follows:

"Title 25 U.S.C. 1913(c): In any voluntary proceeding for termination of parental rights to, or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent."

HANDBOOK ENDS HERE

- (2) Petition the court within five years of the granting of the final decree of adoption to set aside a decree of adoption upon the grounds that the relinquishment was obtained through fraud or duress.

HANDBOOK BEGINS HERE

- (A) Title 25 U.S.C. 1913(d) reads in regard to the set aside of an adoption decree:

"Title 25 U.S.C. 1913(d): After the entry of a final decree of adoption of an Indian child in any State Court, the parent may withdraw consent thereto upon the grounds that consent was obtained through fraud or duress and may petition the court to vacate such decree. Upon a finding that such consent was obtained through fraud or duress, the court shall vacate such decree and return the child to the parent. No adoption which has been effective for at least two years may be invalidated under the provisions of this subsection unless otherwise permitted under state law."

HANDBOOK CONTINUES

35379	INFORMATION TO APPLICANT PRIOR TO PLACEMENT OF AN INDIAN CHILD FOR ADOPTION (Continued)	35379
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HANDBOOK CONTINUES

(B) The content of Family Code Section 9102 is located at Section 35371(a)(2).

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(3) Petition the court to invalidate any action terminating parental rights if termination procedures did not comply with the ICWA.

HANDBOOK BEGINS HERE

(A) Title 25 U.S.C. 1914 reads in regard to the invalidation of termination proceedings:

"Title 25 U.S.C. 1914: Any Indian child who is the subject of any action for foster care placement or termination of parental rights under State law, any parent or Indian custodian from whose custody such child was removed, and the Indian child's tribe may petition any court of competent jurisdiction to invalidate such action upon a showing that such action violated any provision of Sections 1911, 1912, and 1913 of this title."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 9102, Family Code; and 25 U.S.C. 1913(c).

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE**Article 7. Placement and Supervision In an Agency Adoption****35381 PLACEMENT AGREEMENT, COMPLIANCE WITH ORDER OF PLACEMENT REFERENCE AND PROCEDURE REGARDING REQUEST TO RESCIND 35381**

(a) The agency shall:

- (1) Enter into a placement agreement which includes, in addition to the requirements of Section 35207, confirmation that the prospective adoptive parents were advised of the birth parent's rights as specified at Sections 35379(a)(1), (2) and (3).
- (2) Document in the adoption case record the basis used to comply with the order of placement preference or the reason for any failure to comply. A copy of the court order and documentation establishing good cause to the contrary for failing to comply shall be attached to the AD 558 sent to the department.

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(A) 25 U.S.C. 1915(a) states:

"In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a member of the child's extended family; (2) other members of the Indian child's tribe; or (3) other Indian families."

(B) 25 U.S.C. 1915(e) states:

"A record of each such placement, under State law, of an Indian child shall be maintained by the State in which the placement was made, evidencing the efforts to comply with the order of preference specified in this section. Such record shall be made available at any time upon the request of the Secretary or the Indian child's tribe."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 16119, Welfare and Institutions Code; and 25 U.S.C. 1913(c) and 1915(b)(3).

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

**Article 8. Information Transmitted to Petitioners
In an Independent Adoption**

**35383 APPLICABILITY OF ICWA TO NON-INDIAN PARENTS, WITHDRAWAL 35383
OF CONSENT AND TERMINATION OF PARENTAL RIGHTS IN AN
INDEPENDENT ADOPTION**

- (a) During the investigation of the adoption petition, the agency shall advise the petitioners that:
- (1) The provisions of the ICWA apply to the non-Indian parent of an Indian child as well as to the Indian parent.
 - (2) The birth parent may withdraw his or her consent and has the right to have the child returned to him or her at any time prior to the issuance of a final decree of adoption.
 - (3) The procedures pursuant to Section 35377 will be followed if it is necessary to terminate parental rights involuntarily.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1903(9), 1913(c), and 1912.

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 9. Information Transmitted to the Adoptee

35385	PROCEDURES FOR TRANSMISSION OF INFORMATION TO THE ADOPTEE	35385
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- (a) The department shall, upon the request of an adoptee who has reached 18 years of age:
- (1) Inform the adoptee as to the tribe in which he or she is enrolled, or eligible for enrollment, and his or her degree of Indian blood.
 - (2) Inform the adoptee that the department will forward to the BIA any available information necessary to obtain benefits to which he or she is entitled, including tribal enrollment.
 - (3) Inform the adoptee that if he or she desires additional identifying information, he or she may petition the Superior Court pursuant to Family Code Section 9200 and Health and Safety Code Section 102705.

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- (A) Family Code Sections 9200(a) and (b) are located at Section 35049(d)(1)(A).
- (B) Health and Safety Code Section 102705 is located at Section 35049(d)(1)(B).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Sections 8619 and 9200, Family Code; and Section 102705, Health and Safety Code.

35387	TRANSMISSION OF INFORMATION AND DOCUMENTATION REQUESTED BY THE DEPARTMENT	35387
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- (a) The agency shall provide to the department, upon request, information and documentation from the agency case record to assist the adoptee in obtaining tribal membership, and/or benefits derived from his or her Indian status, or certification of degree of Indian blood.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code.

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35400 DEFINITIONS

35400

35401 CHILDREN LEAVING CALIFORNIA

35401

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35401 CHILDREN LEAVING CALIFORNIA (Continued) 35401

6. Two signed copies of a written authorization for the prospective adoptive parent(s) to secure medical treatment for the child pending adoption;
 7. Two copies of background information on the prospective adoptive parent(s), if available, and their relationship to the child; and
 8. Two copies of a family assessment if already submitted to the California sending agency by the adoption agency in the receiving state.
- (B) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.
- (C) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.

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- (2) The receiving state's appropriate public authority shall return approved or disapproved copies of the ICPC 100A (Rev. 10/91) and the completed home study to the California sending agency.

HANDBOOK ENDS HERE

- (b) To place a child in a home which has been approved in writing by the receiving state:
- (1) The California sending agency shall make the arrangements for and complete the placement directly with the adoption agency in the receiving state.
 - (2) The California sending agency shall complete:
 - (A) The ICPC 100B (Rev. 10/91) and forward two copies to the appropriate public authority in the receiving state; and
 - (B) Two copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).

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- (3) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.

Regulations **INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) 35401 (Cont.)**

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35401 CHILDREN LEAVING CALIFORNIA (Continued) 35401

- (B) Two copies of the home study, child study, summary of supervisory reports, and legal and other pertinent documents.

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1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).

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- (2) The California sending agency shall request the receiving state's adoption agency to advise the family of the requirements necessary for completion of the adoption.

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- (3) The receiving state's appropriate public authority shall return copies of the ICPC 100A (Rev. 10/91) to the California sending agency indicating approval or disapproval of the placement.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections 7900 and 7903, Family Code.

35403 CHILDREN ENTERING CALIFORNIA 35403

- (a) When a home evaluation request is submitted to a California receiving agency from a sending party state:
- (1) The California receiving agency shall obtain in cooperation with the sending state's appropriate public authority the following documents:
- (A) Copies of the home study request and the ICPC 100A (Rev. 10/91);
1. An ICPC 100A (Rev. 10/91) must be completed for each child.
- (B) Copies of a court order establishing jurisdiction of the sending agency, or stating that care, custody, and control of the child have been given to a licensed adoption agency because the child is an orphan;

Regulations INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) 35403 (Cont.)

35403

35403 CHILDREN ENTERING CALIFORNIA (Continued) 35403

- (1) The California receiving agency shall require that the sending state's appropriate public authority shall submit those documents listed at Section 35403(a)(1)(A) through (G).
 - (A) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.
 - (B) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.
- (2) The California receiving agency shall return the approved or disapproved ICPC 100A (Rev. 10/91) to the sending state's appropriate public authority.
- (3) When the California receiving agency has received the ICPC 100A (Rev. 10/91) approving placement, the agency shall proceed in accordance with Section 35403(b) above.
- (d) The California receiving agency providing supervision shall forward supervisory reports, as indicated on the ICPC 100A (Rev. 10/91), directly to the sending state's appropriate public authority.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections 7901 and 7903, Family Code.

35405 GENERAL 35405

- NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code and Sections 8801(a) and 7901, Family Code.

(a) The California agency [because California is the state where the birth parent(s) lives] shall request the birth parent(s) to submit the ICPC 100A (Rev. 10/91) for forwarding to the receiving state's appropriate public authority (the state where the prospective adoptive parent(s) lives) the following documents:

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Effective 8/1/98

35407 CHILDREN LEAVING CALIFORNIA (Continued) 35407

- (3) Two copies of a statement by the birth parent(s) that confirms the plan for adoptive placement and meets the requirements of Family Code Sections 8539 and 8801(b).

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- (A) The content of Family Code Section 8801(b) is located at Section 35000(p)(4)(A).
- (B) The content of Family Code Section 8539 is located at Section 35000(p)(6)(A).

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- (4) Two copies of a statement by the birth parent(s) that indicates how the financial and medical needs of the child will be met while the child is in the preadoptive placement.
- (5) Two signed copies of a written authorization for the adoptive parent(s) to secure medical treatment for the child pending adoption.
- (b) The California agency shall notify the birth parent(s) of the receiving state's decision pursuant to receipt and review of the documents in Section 35407(a).
- (c) After the placement request has been approved in writing and the placement made, the California agency shall request the birth parent(s) to complete and forward to the appropriate public authority in the receiving state:
- (A) Four copies of the ICPC 100B (Rev. 10/91).
- (B) Three copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

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1. Pertinent documents include those documents listed at Section 35407(a).
- (d) Before the child may enter the receiving member state, a preplacement interview shall be held with the prospective adoptive parent(s) by an agency, organization or person designated by the receiving state's appropriate public authority. The interview shall be to assure that the planned placement is not contrary to the interests of the child.

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- (1) If the child is unborn and placement is planned shortly after birth, the receiving state's appropriate public authority shall be notified of the proposed placement at least 30 days prior to the expected birth to allow time for the preplacement interview.
- (e) Upon receipt of the information required in (a) above and completion of the preplacement interview:
 - (1) The receiving state's appropriate public authority shall approve or deny on the ICPC 100A (Rev. 10/91) the request for placement and return it to the California agency.
 - (2) The prospective adoptive parent(s) shall be notified of the decision by the receiving state.

HANDBOOK ENDS HERE

- (f) If prospective adoptive parent(s) moves from California to another member state before an independent adoption is completed, the SDSS Adoptions district office or delegated California adoption agency which has had the responsibility for investigating the independent adoption shall:
 - (1) Send two copies of a summary of information on the child and family history to the receiving state's appropriate public authority, i.e., the state to which they are moving, indicating that four copies of the ICPC 100A (Rev. 10/91) are being submitted by the birth parent(s).
 - (A) The information on the child and the family history shall include, but is not limited to, the following:
 - 1. Composition of the family;
 - 2. Marital status of the parents;
 - 3. Age, physical appearance, religion, personality, and mental and physical disabilities;
 - 4. School and employment history;
 - 5. Reason for placement in other state;
 - 6. Medical information on the child.

35407 CHILDREN LEAVING CALIFORNIA (Continued) 35407

- (2) Request the birth parent(s) to complete and forward to the appropriate authority in the receiving state:
 - (A) Four copies of the ICPC 100B (Rev. 10/91).
 - (B) Three copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

- 1. Pertinent documents include those documents listed at Section 35407(a).

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- (3) The California agency shall sign and forward the ICPC 100A (Rev. 10/91) to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

- (4) The receiving state's appropriate public authority shall indicate approval or disapproval on the ICPC 100A (Rev. 10/91) and return it to the California agency.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code and Sections 8801 and 7900, Family Code.

35409 CHILDREN ENTERING CALIFORNIA 35409

- (a) The California agency shall request the birth parent(s) to furnish the following information through the appropriate public authority in the sending state to the California agency:
 - (1) Copies of the completed ICPC 100A (Rev. 10/91).
 - (A) An ICPC 100A (Rev. 10/91) must be completed for each child.
 - (2) Copies of a family history including, but not limited to, the following:
 - (A) Composition of the family.

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- (c) Upon receipt of the information required in (a) above and completion of the preplacement interview:
- (1) The California agency shall approve or deny on the ICPC 100A (Rev. 10/91) the request for placement and return it to the sending agency and the sending state's appropriate public authority.
 - (2) The prospective adoptive parent(s) shall be notified of the decision by the California agency.
 - (3) The California agency shall request the birth parent(s) to complete and send through the appropriate public authority in the sending state to the California agency:
 - (A) Copies of the ICPC 100B (Rev. 10/91).
 - (B) Copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

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1. Pertinent documents include those documents listed at Section 35407(a).

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code; and Sections 7901, 7903, and 8801, Family Code.